

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOVELTY TEXTILE, INC., a California
Corporation;

Plaintiff,

vs.

WINDSOR FASHIONS, INC., a California
Corporation; XTAREN, INC., a California
Corporation; and DOES 1 through 100,
inclusive,

Defendants.

CASE NO.: **CV12-5602-BRO (MANx)**

FINAL ORDER AND JUDGMENT

Courtroom: 14—Spring St., Floor
Judge: Hon. Beverly Reid O’Connell

1 Plaintiff Novelty Textile, Inc. (“Plaintiff”), having moved for summary judgment
2 against Defendants Windsor Fashions, Inc. and Xtaren, Inc. (collectively,
3 “Defendants”) on August 13, 2013, Hon. Beverly Reid O’Connell presiding, and
4 the evidence presented having been fully considered, the issues having been duly
5 heard, and the Court having granted the motion,
6

7
8 IT IS HEREBY ORDERED AND ADJUDGED AS FOLLOWS:

9
10 **Findings:**

- 11 1. Plaintiff has established ownership of a valid copyright in the 1066 Design,
12 as Plaintiff’s Certificate of Registration VA 1-728-356 is *prima facie*
13 evidence of a valid copyright, and Defendants failed to rebut that
14 presumption.
15
16 2. Plaintiff’s 1066 Design and Defendants’ Infringing Garments are strikingly
17 similar, and thus the only explanation for the similarity is that the Infringing
18 Garments were copied from the 1066 Design.
19
20 3. Plaintiff has requested statutory damages, and the Court finds \$15,000 as a
21 reasonable statutory award in this case.
22

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 Based on the above findings, JUDGMENT IS ENTERED against Defendants for
2 all of Plaintiff's claims asserted in this action. Defendants Windsor Fashions, Inc.
3 and Xtaren, Inc. are jointly and severally liable to Plaintiff for \$15,000 in statutory
4 damages.
5

6 **IT IS SO ORDERED AND ADJUDGED.**
7

8
9 Dated: August 28, 2013

10
11 By:



12 HON. BEVERLY REID O'CONNELL
13 United States District Court Judge
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28